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October 25, 2024

Doyle v. Gentile, No. 1:21-cv-08528-LTS-OTW

Dear Judge Wang:

We write on behalf of Counterclaim Plaintiff Kevin Doyle, in reply to Counterclaim Defendant Mr. Gentile's Response to Order to Show Cause filed with the Court on October 21, 2024 (the "Response"). (ECF No. 108.)

As Mr. Doyle noted in his previous letter to the Court dated October 21, 2024 (ECF No. 107), Counterclaim Defendants did not timely file a response to the Court's Order to Show Cause dated October 3, 2024 (ECF No. 103). That is still the case today. Mr. Gentile's Response was filed 10 days late (without explanation as to why he could not meet the Court's deadline of October 11, 2024 to respond to the Order to Show Cause) and Mr. Crawford—who did not join Mr. Gentile's late Response—still has not filed one of his own. These facts alone are entirely sufficient for the Court to issue sanctions in line with Mr. Doyle's prior letter, and Mr. Doyle respectfully requests that the Court take the actions described therein.

To the extent the Court is nevertheless willing to consider Mr. Gentile's Response, Mr. Gentile has not offered any satisfactory explanation for his failure to comply with the Court's orders. Even taking, for purposes of argument, Mr. Gentile's unclear account of his whereabouts on October 2, 2024 in the most favorable light to him (*i.e.*, that he was allegedly traveling in support of a "high profile client" dealing with serious personal issues), this does not change that Mr. Gentile did not even intend to appear at the October 2, 2024 status conference. Mr. Gentile stated in the joint status letter filed with the Court beforehand on September 27, 2024 that he "do[es] not intend to appear in person" and "is scheduled to leave for a month to Argentina on October 1, 2024, both [sic] for a work-related assignment." (ECF No. 102, at p. 6.) None of these are valid reasons for failure to comply with the Court's orders.

Finally, Mr. Gentile's Response also (1) makes a number of abusive and harassing allegations against Mr. Doyle, (2) reveals sensitive and personal medical information regarding a non-party, and (3) purports to reveal confidential settlement positions of the parties,¹ none of which are relevant to the Court's Order to Show Cause, and all of which are highly improper.

¹ Mr. Doyle does not agree with Mr. Gentile's characterization of any settlement discussions that Mr. Gentile claims may have occurred or any of the other irrelevant and unfounded assertions made by Mr. Gentile.

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Accordingly, Mr. Doyle respectfully requests that the Court exercise its inherent authority to strike Mr. Gentile's irrelevant, impertinent, harassing, abusive, and otherwise improper Response from the docket. *See Muench Photography, Inc. v. Houghton Mifflin Harcourt Pub. Co.*, No. 09-civ-2669 (LAP), 2015 WL 4757601, at *3 (S.D.N.Y. Aug. 12, 2015) ("It is well-established that a court has the 'inherent authority' to manage the cases before it. . . . [T]hat 'inherent authority' includes the court's ability 'to strike any filed paper which it determines to be abusive or otherwise improper under the circumstances.'" (internal citations omitted)); *see also Roberto Coin, Inc. v. Goldstein*, No. 18-cv-4045 (EK) (ST), 2023 WL 5345901, at *2 (E.D.N.Y. Aug. 21, 2023) (striking, *sua sponte*, under the court's inherent authority to manage its docket, defendant's filing that levied allegations of a serious nature at plaintiff because it was abusive and improper under the circumstances).

As always, we thank the Court for its attention to this matter.

Respectfully,

/s/ Nathan K. Noh

Nathan K. Noh

The Honorable Ona T. Wang
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
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VIA CM/ECF

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VIA EMAIL AND FIRST CLASS MAIL TO LAST KNOWN ADDRESS

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2024, I caused a true and correct copy of the foregoing October 25, 2024 letter to Judge Ona T. Wang to be served: (1) on Juan Antonio Crawford via electronic mail at iamjantonio@gmail.com; and (2) on Christopher Gentile via electronic mail at chrisgunome@gmail.com and first class mail at his last known address, 825 Center Street, #28D, Jupiter, FL 33458.

Dated: October 25, 2024

/s/ Nathan K. Noh

Nathan K. Noh